

Appln. No. 09/708,948
Amdt. dated June , 2004
Reply to Final Office action dated May 10, 2004

REMARKS/ARGUMENTS

Claims 15-19 remain in this application; claims 24-26 have been added.

The rejection of claims 15-19 under 35 U.S.C. 103(a) as being unpatentable over Yahia in view of Sheng et al or Jones, III, et al. or Susko et al is traversed for the reasons to follow.

Yahia discloses a device for mounting a cell phone to permit the hands-free use thereof while a user is driving. The nature of the Yahia device requires a separate source of power to be operable and, as a result, does not disclose the use of a power source on the top of the dashboard. The difference in structure between the Yahia device and that disclosed and claimed by Applicant results primarily from the difference in function of each, i.e. Yahia discloses a device that allows hands-free portable phone use while driving. In contradistinction thereto, Applicant's device as set forth in independent claim 1 enables a cell phone camera mounted in a vehicle dashboard to be adjustably positioned to view the interior of the vehicle.

As noted by the examiner, Sheng et al only discloses that a separate power source outlet is positioned in the trunk of a vehicle to enable an electric bicycle to be charged. Susko et al is cited by the examiner for its showing of a power cord connected to a vehicle console for powering a cellphone while Jones has been cited for its tracking of a movable power point slide-mounted on the front of a vehicle console.

It is clear that none of the above cited references disclose Applicant's basic concept of mounting a camera based portable phone on top of a vehicle dashboard

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enabling a viewer, such as the driver, an unobstructed view of the vehicle interior for security reasons.

In Robotic Vision Systems Inc. v. View Engineering, Inc., 51USPQ2d 1948, 1954 (Fed. Cir. 1999), the Court reiterated the standard regarding obviousness rejections under 35 U.S.C. § 103. In particular, the Court noted that the combination of two or more references “must show some motivation or suggestion to combine the teachings”, also citing In re Rouffet, 47USPQ2d 1453 (Fed. Cir. 1998). It is clear that the primary Yahia reference and the secondary Sheng et al, Jones et al and Susko et al references cited by the examiner do not motivate or suggest to someone skilled in the art that they can be combined to make applicant’s claimed invention obvious without the use of hindsight.

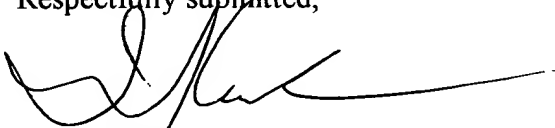
Dependent claims 16-19 should be allowable, inter alia, for the same reasons advanced hereinabove for the allowability of independent claim 15.

Newly added independent claim 24 is more restrictive than claim 15 in that the vehicle battery is set forth as the source of power. The same reasons advanced hereinabove for the allowability of claim 15 are applicable to claim 24 (and dependent claims 25 and 26).

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Applicant respectfully requests that a timely Notice of allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Irving Keschner', written over the typed name.

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